

**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
WaveDivision VII, LLC	)	File No.: EB-FIELDWR-14-00015379
Cable System Operator	)	
	)	NOV No.: V201432920038
	)	
Woodburn, Oregon	)	Physical System ID: 011537

**NOTICE OF VIOLATION**

**Released: May 1, 2014**

By the Resident Agent, Portland Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules)<sup>1</sup> to WaveDivision VII, LLC (WaveDivision), operator of a cable system in Woodburn, Oregon. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.<sup>2</sup>

2. On April 28, 2014, agents of the Enforcement Bureau’s Portland Office inspected WaveDivision’s Emergency Alert System (EAS) equipment located at 2500 National Way, Woodburn, Oregon 97071, and observed the following violations:

- a. 47 C.F.R. § 11.21(a): “If a state’s emergency alert system is capable of initiating EAS messages formatted in Common Alerting Protocol (CAP), its State Plan must include specific and detailed information describing how much messages will be aggregated and distributed to EAS Participants within the state, including the monitoring requirements associated with distributing such message.” At the time of the inspection, WaveDivision could not produce a copy of the current EAS State Plan.
- b. 47 C.F.R. § 11.61(b): “Entries shall be made in EAS Participant records, as specified in §11.35(a) and 11.54(a)(3).” WaveDivision did not have EAS CAP-formatted entries in its EAS logs from January 2014 through April 27, 2014.

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

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3. As the nation's emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that cable operators play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees.

4. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, WaveDivision must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

5. In accordance with Section 1.16 of the Rules, we direct WaveDivision to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of WaveDivision with personal knowledge of the representations provided in WaveDivision's response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

6. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Portland Office  
P.O. Box 61469  
Vancouver, WA 98666-1469

7. This Notice shall be sent to WaveDivision VII, LLC at its address of record.

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<sup>3</sup> 47 U.S.C. § 308(b)

<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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8. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Binh Nguyen  
Resident Agent  
Portland Office  
Western Region  
Enforcement Bureau

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<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).